

EXAMINER'S AMENDMENT

The following was presented in the Notice of Allowability mailed 3/12/2010. This Supplemental Notice of Allowability has been sent out to correct the allowed claims listed on the PTOL-37 form mailed 3/12/2010 under section "2". The allowed claims are 91-95, 113-118, 121, 122, 127-135, 137-139, 141, 143-149, 151, 152, 155, 156 and 158-160 as listed on the new PTOL-37 form.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a conversation conducted on 2/22/2010, Mr. Andrew Douglas requested an extension of time for 1 additional MONTH(S) (resulting in a 2 month extension with 1 month already paid for) and authorized the Director to charge Deposit Account No. 11-1410 the required fee of \$175.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Cancel claims 119, 120, 136, 140, 153, 154 and 157.

In claim 121, delete "119" and insert --130-- in its place.

In claim 121, delete "arcuate" between "first" and "member".

In claim 121, delete "arcuate" between "second" and "member".

In claim 144, delete "119" and insert --130-- in its place.

In claim 158, delete "119" and insert --130-- in its place.

In claim 158, line 3, delete "arcuate" between "second" and "members".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Kanesaka et al. (US 5,776,183) and Gray (US 5,895,406) each discloses a method of applying a radial force against a blood vessel with a stent comprising cells having wavelike first and second members wherein the first members are in phase when a first contracted state and out of phase in a second contracted state. However, Kanesaka and Gray each fails to disclose or fairly suggest radially expanding the stent to a transition point defining a geometry of the cells at which no additional force is necessary to further expand the plurality of cells and permitting the plurality of cells to continue to expand beyond the transition point to the at least one expanded state without the application of additional force.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN SONNETT whose telephone number is (571)272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCS 3/24/2010

/Anhtuan T. Nguyen/
Supervisory Patent Examiner, Art Unit 3731
3/30/10